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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,978	03/20/2000	Edward I. Sun	AVERP2720US	6960

7590 07/16/2004

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EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 8/4/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 56-84 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 56-84 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 061003
061303
063003
080403
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The Examiner has several observations in connection with the preliminary amendment filed in this RCE application which was submitted on July 31, 2003. It is noted that as set forth at page 6, middle paragraph of the preliminary amendment three supplemental IDS's have been filed in the application but have not been made of record. The Examiner, however notes that each of these supplemental IDS's are addressed to applicants' copending divisional case Serial No. 10/236,769; however it is noted that despite this fact each of these supplemental IDS's has been entered into the application file of the present application. Furthermore, the Examiner has reviewed the prior art cited in each of these supplemental IDS's and is enclosing executed copies of each of these documents together with this Office action. Finally, an additional supplemental IDS containing a total of 53 references has also been reviewed and executed (Response, pages 6-7 bridging paragraph).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

4. A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in

public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 56-59, 61-81, 83 and 84 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Japanese Patent Kokai No. 59/49971 Translation. Note particularly the claim on page 1, page 3 line 1 - page 5 line 20, particularly page 5 lines 5-8, pages 6-7 bridging paragraph, the Example. The reference discloses what appears to be, at least in certain embodiments, applicants' claimed multilayer adhesive coated film wherein an imitation paper polyolefin film which comprises a biaxially oriented polyolefin film containing a suitable amount of fillers is disclosed as being laminated to an oriented polyolefin film. Additionally, a composite oriented film of three layers as described above can be provided with a suitable adhesive layer (pages 6-7 bridging paragraph) on either layer outer surface. With respect to the composition of each of the base and first skin layer, both polypropylene, polyethylene and ethylene-propylene resins may be utilized, as well as a wide variety of inorganic particles, nucleating agents and the like. Polyolefin film 1 further is believed to inherently possess in certain embodiments the required polyethylene density parameters, as well as the Young's Modulus parameter and both films 1 and 2 are

disclosed (e.g., page 3, lines 14-15, page 4 lines 20-21, the Example on page 14) as being biaxially oriented lengthwise and widthwise to the requirement of different stretch parameters before being thermoset, with the Examiner believing that which direction constitutes lengthwise or widthwise is either inherent or at most an obvious design parameter. Note also that the film is believed to be "free of copolymers of ethylene with an ethylenically unsaturated carboxylic acid or ester" such as set forth by applicants in their specification at page 11, lines 5-8 and also is believed to be free of ethylene acrylic acid. Additionally, with respect to certain of the additional parameters found in the dependent claims such as the specific stretching ratios, frictional energies, thicknesses and haze parameters are each believed to be, if not either expressly or inherently disclosed, obvious design optimization parameters to one of ordinary skill in the artificial paper and label art. It is further noted that with respect to biaxial orientation, this well known parameter increases the strength of the film, makes the film heat shrinkable and also optically clearer than in its unstretched state.

6. Claims 60 and 82 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP -971. The reference is again relied upon substantially as set forth above, and it is noted

that with respect to applicants' claim 60 which teaches a film free of an inert particulate filler the reference teaches at page 4, top paragraph that if white and opaque films are not desired, the filler content can be less than 10 weight percent, and presumably can be 0 weight percent. With respect to claim 82 which teaches the product-by-process limitation of a "simultaneous" biaxially orientation, this is not believed to be specifically taught by the reference but is believed to be well within the ordinary skill of the art in the absence of unexpected results and also it is noted that this product-by-process limitation has not as yet been shown to produce a patentably distinct article.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (571) 272-1486. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571) 272-1478. The fax phone number for this Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR)

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system. Status information for published applications may be obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzirker:cdc

July 6, 2004

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1300

1700

Daniel Zinker